

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELEODORO HERNANDEZ, on behalf)	
of himself and all others similarly)	
situated,)	
)	
Plaintiff,)	Civil Action File No.
)	1:16-cv-1328-AT
v.)	
)	
K & M DELI OF SAVANNAH, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

**DEFENDANT K&M DELI OF SAVANNAH, INC.'S
OFFER OF JUDGMENT**

Pursuant to FED. R. CIV. P. 68, Defendant K&M Deli of Savannah, Inc. makes the following Offer of Judgment upon Opt-In Plaintiff Josefa Aguilar (“Plaintiff Aguilar”). Defendant hereby offers to allow judgment to be entered against it in favor of Plaintiff Aguilar in the total sum of Two Hundred and Forty Dollars and No Cents (\$240.00), which is inclusive of all potentially owed overtime compensation (\$120.00) and liquidated damages in the same amount (\$120.00). Additionally, as determined by the Court and through the date of this offer: (1) an award for costs accrued as of the date of this offer; and (2) an award for reasonable and necessary attorney fees pursuant to the Fair Labor Standards Act. This offer is made pursuant to Rule 68 and is not an admission of guilt or liability by Defendant.

In accordance with Rule 68, if a judgment obtained by Plaintiff Aguilar is not more favorable than the above-stated offer, Plaintiff Aguilar will not be entitled to costs or attorneys' fees incurred by her after the date of the offer and Plaintiff Aguilar will have to pay the costs incurred by Defendant after its making of this offer, which may include Defendant's attorneys' fees.

This offer shall be deemed rejected unless accepted within fourteen (14) days of service.

Respectfully submitted this 3rd day of June, 2016.

Respectfully submitted,

/s/Steven J. Whitehead

Steven J. Whitehead

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ATTORNEYS FOR DEFENDANT
K&M DELI OF SAVANNAH, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a true and correct copy of the foregoing **DEFENDANT K&M DELI OF SAVANNAH, INC.'S OFFER OF JUDGMENT** to be filed by ECF and served upon counsel of record via the Court's electronic notification addressed as follows:

V. Severin Roberts, Esq.
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Respectfully submitted this 3rd day of June, 2016.

/s/Steven J. Whitehead

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